

# City of Portland, Oregon **Bureau of Development Services**

## **Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor Rebecca Esau, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: October 21, 2019 To: Interested Person

Arthur Graves, Land Use Services From:

503.823.7803 | Arthur.Graves@portlandoregon.gov

## NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision.

The reasons for the decision are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### CASE FILE NUMBER: LU 19-200323 HR: GARAGE ALTERATIONS

#### GENERAL INFORMATION

Maria Cohen | Maria Cohen Design | 503.381.0366 **Applicant:** 

33 N Holman St | Portland OR 97217

Owners: Sarah Hayes and Jacob Johnson

3032 NE 48th Ave | Portland, OR 97213

2926 NE 17th Avenue Site Address:

Legal Description: BLOCK 45 N 5' OF LOT 12 LOT 13, S 1/2 OF LOT 14, IRVINGTON

Tax Account No.: R420409710 State ID No.: 1N1E26AC 02300

Quarter Section: 2732

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.

Soul District Business Association, contact at info@nnebaportland.org **Business District: District Coalition:** Northeast Coalition of Neighborhoods, contact Laura Becker at 503-

388-6088.

**Plan District:** None

Other Designations: Non-Contributing Resource in the Irvington Historic District, listed in

the National Register of Historic Places on October 22, 2010.

R5: Residential 5,000, Single-Dwelling Zone (R5), with Historic Zoning:

Resource Protection Overlay

Case Type: HR: Historic Resource Review

Procedure: Type II, an administrative decision with appeal to the Landmarks

Commission.

#### Proposal:

The applicant seeks Historic Resource Review approval for alterations to the existing noncontributing garage on the site in the Irvington Historic District. The primary resource on site, which is also non-contributing, is not a part of the scope of this review and will not be altered. The site is on an 8000 square foot lot at the western edge of the north-east quadrant of the historic district. Specifically, the proposal intends to:

- West Elevation (street facing):
  - o Remove existing second story non-original vinyl windows and replace with new painted all-wood casement windows in approximately the same location.
  - o Remove the existing non-original 13' wide garage door and replace with new 8' wide painted wood garage door.
- North Elevation (backyard facing):
  - o Add 4 new all-wood windows to the second floor.
  - Remove existing non-original vinyl windows and replace with new painted all wood casement windows and new wood clad doors, in approximately the same location.
- East Elevation: No alterations proposed for this elevation.
- South Elevation:
  - o Remove and replace existing damaged fixed wood windows with new painted all-wood awning windows of the same size, in the same location.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations on a resource in the Irvington Historic District.

#### Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

• 33.846.060 Other Approval Criteria

#### **ANALYSIS**

#### Site and Vicinity:

The subject property is located on an approximately 8,000 square foot lot fronting onto NE 17<sup>th</sup> Avenue in the Irvington Historic District. The existing house, built in 1921, has been heavily altered and is listed as a non-contributing resource in the Irvington Historic District.

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. Original development in many cases included garages or other accessory structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

The site is located in the heart of the historic district with the following surrounding amenities being located slightly more than a quarter mile (approximately a 5-minute walk) distance from the site: The Madeleine School to the east, Irvington Tennis Club to the south-east, Irvington Elementary School to the south-west, Irving Park to the north-west, and numerous restaurants, cafes, and retail venues to the north (on NE Fremont St).

Regarding transportation surrounding the site, according to the Transportation System Plan (TSP) NE 15<sup>th</sup> Avenue is designated as a Major Transit Priority Street. Bus service to the site is provided on NE 15<sup>th</sup> Avenue by the #8 bus. NE Stanton Street and NE 15<sup>th</sup> Avenue are designated as City Bikeways in the TSP.

#### Zoning:

The <u>Residential 5,000</u> (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The <u>Historic Resource Protection</u> overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**Land Use History:** City records indicate one prior land use review:

• LU 16-255439 HR: Approval of exterior alterations including removal of existing sun porch, enclosed porch, repairs to carport/roof deck and repairs to second story deck.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed August 30, 2019.

- 1. <u>Bureau of Development Services- Site Development</u>: Jason Butler-Brown: September 11, 2019. (Exhibit E-1). With the no concerns.
- 2. Fire Bureau: Dawn Krantz: September 13, 2019. (Exhibit E-2). With no concerns.
- 3. <u>Bureau of Development Services- Life Safety</u>: Chanel Horn: September 23, 2019. (Exhibit E-3). With the following comment:
  - A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on August 30, 2019. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

• Dean P. Gisvold, Committee Chair of the Irvington Community Association (ICA), September 21, 2019, with no objections. (Exhibit F-1)

#### **ZONING CODE APPROVAL CRITERIA**

#### Chapter 33.846.060 - Historic Resource Review

#### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are those listed in 33.846.060 G – Other Approval Criteria.

Staff has considered all quidelines and addressed only those applicable to this proposal.

#### 33.846.060 G - Other Approval Criteria

- **1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- **2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- **3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- **4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- **5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

#### Findings for 1, 2, 3, 4 and 5:

The proposed alterations will not damage or negatively affect the historic character of the non-contributing garage. No changes are being proposed to the building's overall form, mass, roofline or building footprint. Alterations to the structure will not unnecessarily remove or cause damage to previous historic changes that have been made and require preservation. Alterations are for the adaptive reuse of the building to a home office and are largely limited to the removal and replacement of non-original windows and doors, to all-wood windows and wood-clad doors consistent and compatible with the style of the building. The more noticeable alterations to the garage, such as the removal of the non-original garage door (on the west elevation) for an 8-footwide wood garage door; the installation of new all-wood windows and wood doors on the north elevation; and the installation of new windows within the roof of the north elevation, are all modest conversions that are consistent with the scale and style of features on the building and do not create a false record of its time. There are no historic changes or historic features that will be impacted on the garage. Historic materials will be protected and no chemical or physical treatments, such as sandblasting, that cause damage to historic materials will be used.

Therefore, these criteria have been met.

**6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

#### Findings:

No ground disturbance is proposed.

Therefore, this criterion does not apply.

**7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

- **8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
- **9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.
- **10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

#### Findings for 7, 8, 9, and 10:

The proposed alterations, which are largely to windows and doors on the building, will not affect the form, foot print or architectural integrity of the non-contributing garage. Alterations will collectively improve the quality of the resource, most noticeably by removing non-original vinyl windows and aluminum doors, for all-wood windows and wood-clad doors. Proposed alterations to the west elevation (street facing) and the north elevation (back yard facing) provide additional access and light to the building while being consistent with the architectural style of the garage. These alterations (to the north and west elevations) also provide a clear differentiation and evolution of the building from old to new (vehicle access and storage to home office) that is not conjectural or out of place with the architectural style of the building. Collectively, this proposal is compatible and complimentary to this site, the adjacent properties and the neighborhood at large. The proposed alterations will not negatively impact the noncontributing resource on site, adjacent neighbors or the Irvington Historic District as a whole.

Therefore, these criteria have been met.

#### **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

#### CONCLUSIONS

The proposed alterations to the non-contributing garage maintains the architectural integrity of the building through the removal of non-original features from the building (windows and doors) to be replaced with wood features compatible in scale, style, and architectural character to the building.

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. As indicated in detail in the findings above, this proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

#### ADMINISTRATIVE DECISION

Historic Resource Review approval of exterior alterations to the non-contributing garage in the Irvington Historic District.

Approval, per the approved site plans, Exhibits C-1 through C-7, signed and dated October 14, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE Case File LU 19-200323 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<a href="https://www.portlandoregon.gov/bds/article/623658">https://www.portlandoregon.gov/bds/article/623658</a>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. NO FIELD CHANGES ALLOWED.

Staff Planner: Arthur Graves

Decision rendered by: \_\_\_\_\_\_ on October 14, 2019.

By authority of the Director of the Bureau of Development Services

Decision mailed: October 21, 2019.

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on July 29, 2019 and was determined to be complete on August 27, 2019.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on July 29, 2019.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: December 25, 2019.** 

#### Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 4, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

#### Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

• *Unless appealed*, the final decision will be recorded after **November 05, 2019** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

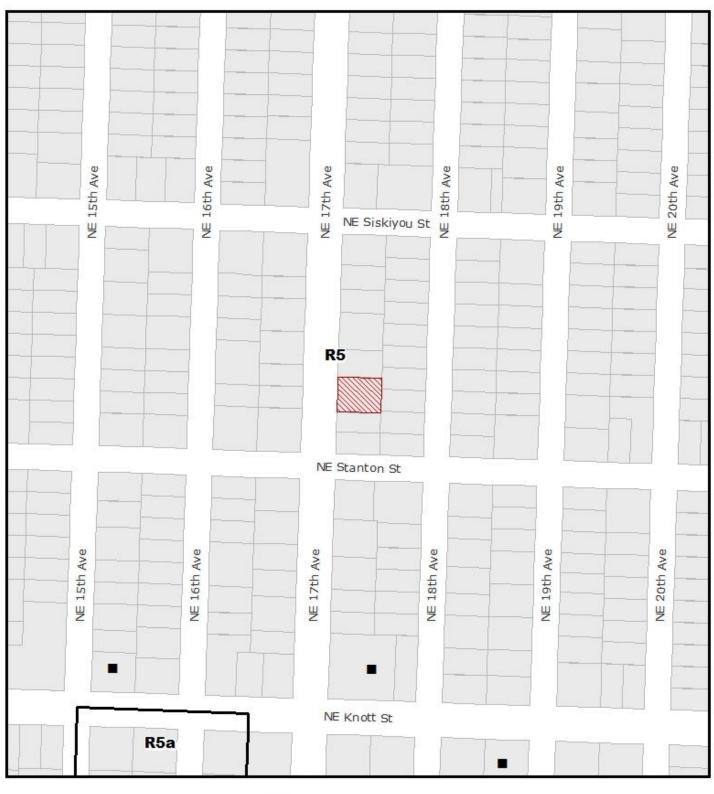
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

#### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  - 1. Initial Narrative: 7.29.2019
  - 2. Initial Drawings: 7.29.2019 (superseded)
  - 3. Revised Drawings: 8.24.2019
  - 4. Window Detail: 9.30.2019
  - 5. Manufactures cut sheets
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Floor Plans
  - 3. Elevations: Existing and Proposed (attached)
  - 4. Sections
  - 5. Details: Windows and Doors
  - 6. Detail: Revised North Elevation Second Floor Window
  - 7. Manufactures Cut Sheets
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Development Services- Site Development: Jason Butler-Brown: September 11, 2019.
  - 2. Fire Bureau: Dawn Krantz: September 13, 2019.
  - 3. Bureau of Development Services- Life Safety: Chanel Horn: September 23, 2019.
- F. Correspondence:
  - 1. Dean P. Gisvold, on behalf of the Irvington Neighborhood Association: September 21, 2019.
- G. Other:
  - 1. Original LU Application
  - 2. Historic Information
  - 3. Site Pictures
  - 4. Incomplete Letter: August 12, 2019

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).





Site

■ Historic Landmark

File No. LU 19-200323 HR

1/4 Section 2732

Scale 1 inch = 200 feet

State ID 1N1E26AC 2300

Exhibit B Jul 31, 2019

